UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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                                        :

STRIKE 3 HOLDINGS, LLC,   :

                                        :   Case No. 1:18-cv-02648-VEC

                       Plaintiff,   :

                                          :

                 vs.   :

                                          :

JOHN DOE subscriber assigned IP address   :
24.104.252.172,

                                          :

                     Defendant.   :
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PLAINTIFF'S MOTION TO WITHDRAW NOTICE OF VOLUNATRY DISMISSAL [CM/ECF 27] AND TO REINSTATE CASE

Plaintiff, Strike 3 Holdings, LLC, hereby moves this Court to withdraw its Notice of Voluntary Dismissal filed January 24, 2019 and for reinstatement of this case.

On January 24, 2019, Plaintiff accidently filed a Notice of Voluntary Dismissal pursuant to Rule 41(a)(1)(A)(i) requesting the Court dismiss this case without prejudice ("Notice"). [CM/ECF 27]. However, the filing of this Notice was the result of a clerical error, and Plaintiff did not intend to close this case. Plaintiff realized this error today and immediately contacted defense counsel via phone and e-mail seeking Defendant's consent to the instant motion. However, as of the time of this filing, Defendant has not responded. Plaintiff will update the Court if Defendant responds. Plaintiff submits that this clerical error is slight, reinstating this case does not prejudice any of the parties' rights, and reinstatement would promote judicial efficiency since

the parties will not need to relitigate the same issues in any subsequently filed case. Accordingly,

Plaintiff respectfully request that the Court withdraw Plaintiff's Notice and reinstate this case.

Dated: January 25, 2019   Respectfully submitted,

                                          By: /s/ *Jacqueline M. James*_____
                                                   Jacqueline M. James, Esq. (1845)
                                                   The James Law Firm, PLLC
                                                   445 Hamilton Avenue
                                                   Suite 1102
                                                   White Plains, New York 10601
                                                   T: 914-358-6423
                                                   F: 914-358-6424
                                                   E-mail: jjameslaw@optonline.net
                                                   Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2019, I electronically filed the foregoing document

with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record

and interested parties through this system.

                                          By: /s/ *Jacqueline M. James*__
                                                   Jacqueline M. James